

REMARKS

I. Introduction

Claims 16 to 28 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Amendments to the Specification

Regarding the use of the term “teflon,” the Examiner will note that the Specification has been amended herein, by Substitute Specification, without prejudice to change “teflon” to --PTFE--. The Substitute Specification includes no new matter. A Marked-Up Version of the Substitute Specification is also submitted herewith.

III. Rejection of Claims 16 to 28 Under 35 U.S.C. § 112

Regarding the rejection of claims 16 to 28 under 35 U.S.C. § 112, second paragraph, the Examiner will note that claim 16 has been amended herein without prejudice to change “etching” to --etched-- and that claim 20 has been amended herein without prejudice to change “including” to --having--. In view of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Allowable Subject Matter

Applicants note with appreciation the indication of allowable subject matter included in claim 19. In this regard, the Examiner will note that claim 19 has been amended herein without prejudice to include all of the features of its base claim and any intervening claims. It is further noted that claim 16 has been amended to include the features of independent claim 16 that were amended as set forth above to address the rejection under 35 U.S.C. § 112, second paragraph. As such, it is respectfully submitted that claim 19 is in condition for immediate allowance.

V. Rejection of Claims 16 to 18 and 20 to 24 Under 35 U.S.C. § 102

Claims 16 to 18 and 20 to 24 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2002/0158339

("Yamamoto"). It is respectfully submitted that Yamamoto does not anticipate these claims for at least the following reasons.

Claim 16 recites, inter alia, an etched layer, whereby ***the etched layer is a silicon layer***.

The Office Action contends that layer 12 in Figure 5a of Yamamoto is an etched layer that is a silicon layer. Applicants respectfully disagree. As indicated at paragraph [0116] of Yamamoto, layer 12 is a ***dielectric layer*** formed from an oxide ("silicon oxide"), a nitride ("silicon nitride"), BPSG, or a SOG film. Thus, layer 12 is not a silicon layer. It is noted in this regard that, during examination, the words of a claim must be given their plain meaning, unless that plain meaning is inconsistent with the specification. M.P.E.P. § 2111.01. Further, the ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention. Id. In this regard, the ordinary and customary meaning of "silicon layer" to one of ordinary skill in the art would not include a dielectric layer of silicon oxide, silicon nitride, BPSG, or a SOG film.

In view of the foregoing, it is apparent that Yamamoto does not disclose, or even suggest, all of the features recited in claim 16. As such, it is respectfully submitted that Yamamoto does not render unpatentable claim 16 or any claim that depends from claim 16. Accordingly, withdrawal of this rejection is respectfully requested.

It is additionally noted that it would not be obvious to replace layer 12 of Yamamoto with a silicon layer for at least the reason that the layer 12 is provided specifically for its dielectric properties between wiring layer 18 and substrate 10. See, e.g., Figure 5a and para. [0145]. Thus, one of ordinary skill in the art would have no apparent reason to replace dielectric layer 12 with a silicon layer, since this would render layer 12 unfit for its intended purpose of providing a dielectric layer between wiring layer 18 and substrate 10.

VI. Rejection of Claims 25 to 28 Under 35 U.S.C. § 103(a)

Claims 25 to 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yamamoto. It is respectfully submitted that Yamamoto does not render unpatentable these claims for at least the following reasons.

Claims 25 to 28 depend from claim 16 and therefore include all of the features of claim 16. As indicated above, Yamamoto does not disclose, or even suggest, all of the features recited in claim 16. As such, it is respectfully submitted that Yamamoto does not render unpatentable these dependent claims. Accordingly, withdrawal of this rejection is respectfully requested.

VII. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date: May 22, 2009

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